

MESSAGE NO: 6037201

MESSAGE DATE: 02/06/2006

MESSAGE STATUS: Active

CATEGORY: Countervailing

TYPE: SCO-Scope

PUBLIC ☒

NON-PUBLIC ☐

SUB-TYPE:

FR CITE: FR

FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): C-580-851

EFFECTIVE DATE:

COURT CASE #:

PERIOD OF REVIEW:

TO

PERIOD COVERED: 01/12/2006 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: CVD ORDER ON DRAMS FROM THE REPUBLIC OF KOREA (C-580-851) & THE
ACCEPTANCE OF NON-REMOVAL OR DESTRUCTION CERTIFICATIONS FROM IMPORTERS

MESSAGE NO: 6037201 DATE: 02 06 2006

CATEGORY: CVD TYPE: SCO

REFERENCE: REFERENCE DATE:

CASES: C - 580 - 851 - -

- - - -

- - - -

PERIOD COVERED: 01 12 2006 TO

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS
PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: CVD ORDER ON DRAMS FROM THE REPUBLIC OF KOREA
(C-580-851) & THE ACCEPTANCE OF NON-REMOVAL OR
DESTRUCTION CERTIFICATIONS FROM IMPORTERS

1. ON 01/12/2006, IN RESPONSE TO A REQUEST BY CISCO SYSTEMS,
INC., THE DEPARTMENT OF COMMERCE ISSUED A FINAL SCOPE RULING
THAT REMOVABLE MEMORY MODULES PLACED ON MOTHERBOARDS THAT ARE

IMPORTED FOR REPAIR OR REFURBISHMENT ARE NOT WITHIN THE SCOPE OF
THE COUNTERVAILING DUTY ORDER ON DYNAMIC RANDOM ACCESS MEMORY

SEMICONDUCTORS FROM THE REPUBLIC OF KOREA ("ROK") IF THE

IMPORTER CERTIFIES THAT IT WILL DESTROY ANY MEMORY MODULES THAT ARE REMOVED FOR REPAIR OR REFURBISHMENT.

2. AS A RESULT, THE SCOPE OF THIS ORDER HAS BEEN CLARIFIED AS FOLLOWS: THE PRODUCTS COVERED BY THIS FINAL SCOPE RULING ARE DYNAMIC RANDOM ACCESS MEMORY SEMICONDUCTORS (DRAMS) FROM KOREA,

WHETHER ASSEMBLED OR UNASSEMBLED. ASSEMBLED DRAMS INCLUDE ALL PACKAGE TYPES. UNASSEMBLED DRAMS INCLUDE PROCESSED WAFERS, UNCUT DIE, AND CUT DIE. PROCESSED WAFERS FABRICATED IN KOREA, BUT ASSEMBLED INTO FINISHED SEMICONDUCTORS (DRAMS) OUTSIDE KOREA ARE ALSO INCLUDED IN THE SCOPE. PROCESSED WAFERS FABRICATED OUTSIDE KOREA AND ASSEMBLED INTO FINISHED SEMICONDUCTORS IN KOREA ARE NOT INCLUDED IN THE SCOPE.

THE SCOPE OF THIS FINAL RULING ADDITIONALLY INCLUDES MEMORY MODULES CONTAINING DRAMS FROM KOREA. A MEMORY MODULE IS A COLLECTION OF DRAMS, THE SOLE FUNCTION OF WHICH IS MEMORY. MEMORY MODULES INCLUDE SINGLE IN-LINE PROCESSING MODULES, SINGLE IN-LINE MEMORY MODULES, DUAL IN-LINE MEMORY MODULES, SMALL OUTLINE DUAL IN-LINE MEMORY MODULES, RAMBUS IN-LINE MEMORY

MODULES, AND MEMORY CARDS OR OTHER COLLECTIONS OF DRAMS, WHETHER

UNMOUNTED OR MOUNTED ON A CIRCUIT BOARD. MODULES THAT CONTAIN OTHER PARTS THAT ARE NEEDED TO SUPPORT THE FUNCTION OF MEMORY ARE COVERED. ONLY THOSE MODULES THAT CONTAIN ADDITIONAL ITEMS WHICH ALTER THE FUNCTION OF THE MODULE TO SOMETHING OTHER THAN MEMORY, SUCH AS VIDEO GRAPHICS ADAPTER BOARDS AND CARDS, ARE NOT INCLUDED IN THE SCOPE. THIS INVESTIGATION ALSO COVERS FUTURE DRAMS MODULE TYPES.

THE SCOPE OF THIS FINAL RULING ADDITIONALLY INCLUDES, BUT IS NOT LIMITED TO, VIDEO RANDOM ACCESS MEMORY, AND SYNCHRONOUS GRAPHICS

RAM, AS WELL AS VARIOUS TYPES OF DRAMS, INCLUDING FAST PAGE-MODE, EXTENDED DATA-OUT, BURST EXTENDED DATA-OUT, SYNCHRONOUS DYNAMIC RAM, RAMBUS DRAM, AND DOUBLE DATA RATE DRAM. THE SCOPE

ALSO INCLUDES ANY FUTURE DENSITY, PACKAGING, OR ASSEMBLING OF DRAMS. ALSO INCLUDED IN THE SCOPE OF THIS INVESTIGATION ARE REMOVABLE MEMORY MODULES PLACED ON MOTHERBOARDS, WITH OR WITHOUT

A CENTRAL PROCESSING UNIT, UNLESS THE IMPORTER OF THE MOTHERBOARDS CERTIFIES WITH CUSTOMS AND BORDER PROTECTION THAT NEITHER IT, NOR A PARTY RELATED TO IT OR UNDER CONTRACT TO IT, WILL REMOVE THE MODULES FROM THE MOTHERBOARDS AFTER IMPORTATION

OR UNLESS THE IMPORTER OF THE MOTHERBOARDS CERTIFIES WITH CUSTOMS AND BORDER PROTECTION THAT THE MOTHERBOARD IS BEING IMPORTED FOR REPAIR OR REFURBISHMENT, AND THAT NEITHER IT, NOR A PARTY RELATED TO IT OR UNDER CONTRACT TO IT, WILL REMOVE THE MODULES FROM THE MOTHERBOARDS AFTER IMPORTATION, EXCEPT AS NECESSARY IN THE COURSE OF REPAIR OR REFURBISHMENT OF THE MOTHERBOARDS, IN WHICH CASE ANY SUBJECT MEMORY MODULES REMOVED

FROM THE MOTHERBOARDS WILL BE DESTROYED.

THE SCOPE OF THIS FINAL RULING DOES NOT INCLUDE DRAMS OR MEMORY MODULES THAT ARE RE-IMPORTED FOR REPAIR OR REPLACEMENT, PROVIDED THAT THE IMPORTING COMPANY CAN DEMONSTRATE THAT THE DRAMS OR MEMORY MODULES ARE BEING RE-IMPORTED FOR REPAIR OR REPLACEMENT TO THE SATISFACTION OF CUSTOMS AND BORDER PROTECTION.

THE DRAMS SUBJECT TO THIS INVESTIGATION ARE CURRENTLY CLASSIFIABLE UNDER SUBHEADINGS 8542.21.8005 AND 8542.21.8020 THROUGH 8542.21.8030 OF THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES ("HTSUS"). THE MEMORY MODULES CONTAINING DRAMS FROM KOREA, DESCRIBED ABOVE, ARE CURRENTLY CLASSIFIABLE UNDER SUBHEADINGS 8473.30.10.40 AND 8473.30.10.80 OF THE HTSUS.

REMOVABLE MEMORY MODULES PLACED ON MOTHERBOARDS, DESCRIBED ABOVE, ARE CLASSIFIABLE UNDER SUBHEADING 8471.50.0085,

8517.30.5000, 8517.50.1000, 8517.50.5000, 8517.50.9000,

8517.90.3400, 8517.90.3600, 8517.90.3800, 8517.90.4400 AND

8543.89.9600. ALTHOUGH THE HTSUS SUBHEADINGS ARE PROVIDED FOR

CONVENIENCE AND CUSTOMS AND BORDER PROTECTION PURPOSES, THE DEPARTMENT'S WRITTEN DESCRIPTION OF THE SCOPE OF THIS

INVESTIGATION REMAINS DISPOSITIVE.

3. AS DESCRIBED IN PARAGRAPH 2, ABOVE, THE SCOPE OF THIS FINAL RULING INCLUDES REMOVABLE MEMORY MODULES PLACED ON MOTHERBOARDS,

WITH OR WITHOUT A CENTRAL PROCESSING UNIT, UNLESS THE IMPORTER OF THE MOTHERBOARDS CERTIFIES WITH CUSTOMS AND BORDER PROTECTION

THAT THE MOTHERBOARDS ARE BEING IMPORTED FOR REPAIR OR REFURBISHMENT, AND THAT NEITHER IT, NOR A PARTY RELATED TO IT OR UNDER CONTRACT TO IT, WILL REMOVE THE MODULES FROM THE MOTHERBOARDS AFTER IMPORTATION, EXCEPT AS NECESSARY IN THE COURSE OF REPAIR OR REFURBISHMENT OF THE MOTHERBOARDS, IN WHICH CASE ANY SUCH SUBJECT MEMORY MODULES REMOVED FROM THE MOTHERBOARDS WILL BE DESTROYED.

FOR NO SUSPENSION OF LIQUIDATION TO BE REQUIRED, AN OFFICIAL OF THE COMPANY IMPORTING THE MOTHERBOARDS MUST CERTIFY THE FOLLOWING:

I, (NAME OF COMPANY OFFICIAL), HEREBY CERTIFY THAT I AM AN OFFICIAL OF (COMPANY IMPORTING MOTHERBOARDS), THAT I HAVE KNOWLEDGE OF THE FACTS REGARDING THE IMPORTATION OF THESE MOTHERBOARDS, AND THAT THESE MOTHERBOARDS ARE BEING IMPORTED INTO THE UNITED STATES FOR PURPOSES OF REPAIR OR REFURBISHMENT. I FURTHER CERTIFY THAT NEITHER (COMPANY IMPORTING THE MOTHERBOARDS) NOR A PARTY TO, OR UNDER CONTRACT TO (COMPANY IMPORTING THE MOTHERBOARDS) WILL REMOVE THE MEMORY MODULES FROM

THE MOTHERBOARDS AFTER IMPORTATION UNLESS IT IS NECESSARY TO DO SO IN THE COURSE OF REPAIRING OR REFURBISHING THE MOTHERBOARDS, IN WHICH CASE ANY SUCH SUBJECT MEMORY MODULES REMOVED FROM THE MOTHERBOARDS WILL BE DESTROYED. I CERTIFY THAT I WILL RETAIN RECORDS PERTAINING TO THE DESTRUCTION OF SUBJECT MEMORY MODULES

REMOVED FROM THE MOTHERBOARDS FOR FIVE YEARS FROM THE DATA OF ENTRY, CONSISTENT WITH 19 U.S.C. 1508 AND 1509. I AM AWARE THAT

RECORDS PERTAINING TO THE DESTRUCTION OF SUBJECT MEMORY MODULES

REMOVED FROM THE MOTHERBOARDS MAY BE SUBJECT TO AUDIT, AND I WILL CONSENT TO VERIFICATION WITH RESPECT TO THIS CERTIFICATION AND THESE RECORDS.

4. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTAM AT OFFICE OF AD/CVD ENFORCEMENT, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-3577 RESPECTIVELY. (GENERATED BY O1:YB).

5. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

CATHY SAUCEDA

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party